

I3STGYAC

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

16 CR 521 (CM)

5 ANDY GYAMFI,

6 Defendant.

7 -----x

8 New York, N.Y.

9 March 28, 2018

3:15 p.m.

10 Before:

11 HON. COLLEEN MCMAHON,

12 District Judge

13 APPEARANCES

14 GEOFFREY S. BERMAN

15 Interim United States Attorney for the

16 Southern District of New York

JARED LENOW

17 Assistant United States Attorney

18 ANTHONY RICCO

DONALD YANNELLA

19 KENNETH MONTGOMERY

20 Attorneys for Defendant

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(In open court, case called)

MR. LENOW: Good afternoon, your Honor, Jared Lenow for the government.

THE COURT: Hello, Mr. Lenow.

MR. RICCO: Good afternoon, your Honor, Anthony Ricco.

MR. YANNELLA: And Donald Yannella.

MR. MONTGOMERY: As well as Kenneth Montgomery.

MR. RICCO: For Mr. Gyamfi.

THE COURT: Good afternoon.

MR. RICCO: Good afternoon.

THE COURT: Okay. Mr. Lenow?

MR. LENOW: Judge, this case is part of the U.S. v. Dwaine Colymore matter which had been scheduled for trial last month but in which the defendant pled guilty shortly before trial. Mr. Gyamfi was arrested just last month as well and charged in the same robbery conspiracy that Mr. Collymore had been charged in.

The state of play is as follows: As your Honor knows, this is a death eligible case. The Attorney General, my understanding, has all the relevant paperwork and is making the decision whether to seek or not seek in this case, and we're optimistic we'll know within the next several months.

Discovery has been produced. On March 12, 2018 we produced all of the discovery from the Collymore case that's relevant to Mr. Gyamfi's case, as well as some additional

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1 discovery that's unique to him. It is quite large, involved
2 very significant large volume hard drive. I understand the
3 defense is still reviewing that material.

4 So I think the parties have proposed we come back
5 before your Honor in 60 days. At that point in time we hope to
6 have a decision from the Attorney General, and I think the
7 defendants will have had more time to review the discovery, and
8 at that point we set a motion schedule and a trial date.

9 THE COURT: Mr. Yannella or Mr. Ricco, which one of
10 you is learned counsel and which one is counsel counsel?

11 MR. RICCO: Judge, I'm appointed learned counsel in
12 the case, and I'm very familiar with the history of the case.
13 The paperwork is already in Washington on this case, so we
14 really are just monitoring that aspect of it and just doing the
15 basics that are needed to ensure that Mr. Gyamfi is properly
16 represented with respect to the death penalty.

17 But I have had a chance to speak with Mr. Yannella,
18 and he's very well organized.

19 THE COURT: Always.

20 MR. RICCO: And we would consent to that time with the
21 hope that we would have a decision from the Attorney General.
22 Surprisingly, your Honor, we have been getting some rapid
23 decisions. It's been strange.

24 THE COURT: I thought the last case was fairly rapid.
25 Well, it's a good development, I think we can all agree --

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1 MR. RICCO: Yes.

2 THE COURT: -- if we get these decisions more promptly
3 than has been true in the past.

4 So how is the afternoon of June 11?

5 MR. LENOW: That works for the government, your Honor.

6 THE COURT: 3:30 on June 11. Hopefully we'll have a
7 decision. Time, of course, isn't running because the Attorney
8 General has effectively stopped the clock, so time is excluded,
9 and hopefully we will have a decision from the Attorney General
10 and we'll know how we're going to move forward in this case.

11 MR. RICCO: Thank you very much, your Honor.

12 THE COURT: Thank you.

13 Mr. Yannella, do you want to say anything?

14 MR. YANNELLA: It's good to see you again.

15 THE COURT: Good to see you again, too.

16 MR. RICCO: Your Honor, I don't know if you had an
17 opportunity to meet Mr. Montgomery before.

18 THE COURT: I have not.

19 MR. RICCO: Judge, Mr. Montgomery is on the panel.
20 He's a person who was in our mentoring program and he's on the
21 panel.

22 THE COURT: Mr. Montgomery, welcome.

23 MR. MONTGOMERY: How are you, Judge.

24 THE COURT: I am fine. It's delightful to have you
25 here. I'm the world's biggest fan of the mentoring program, so

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1 every time I meet one the graduates, I'm very, very happy.

2 MR. MONTGOMERY: I'm an old graduate.

3 THE COURT: It doesn't matter whether you're an old
4 graduate or a new graduate, you're a graduate, and I haven't
5 had you before in court, and I'm so happy to have you.

6 MR. RICCO: Thank you, Judge.

7 MR. LENOW: Thank you, Judge.

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